


IT IS, THEREFORE, ORDERED that Petitioner's Motion for Summary Judgment [Doc. No. 7] is **DISMISSED** as premature. Should he choose to do so, Petitioner may re-file a motion for summary judgment after Respondent files a responsive pleading in this matter.

The Clerk is directed to send copies of this Order and Notice to the parties.

SO ORDERED.

Signed: January 23, 2011



Frank D. Whitney
United States District Judge

